



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, SEPTEMBER 2, 2014**

On this 2nd day of September 2014 at 5:31 p.m., the City Commission of the City of Weslaco, Texas convened in a Regular Meeting at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following members present:

Mayor	David Suarez
Mayor Pro-Tem	J.F. “Johnny” Cuellar
Commissioner	David R. Fox
Commissioner	Olga M. Noriega
Commissioner	Gerardo “Jerry” Tafolla
Commissioner	Lupe Rivera
Commissioner	Fidel L. Pena, III
City Manager	Leonardo Olivares
City Secretary	Elizabeth M. Walker
Legal Counsel	Eloy Sepulveda

Also present: Juan Salas, IT Department; Bret Mann, Finance Director; David Salinas, Public Utilities Director; Mardoqueo Hinojosa, City Engineer/Interim Planning Director; Interim Chief Chris Sanchez, Fire Department; Interim Chief Sergio Ramirez, Police Department; David Arce, Parks and Recreation Director; Veronica Ramirez, Human Resources Director; Olga Garza, Public Facilities Assistant Director; Sonia Flores, Assistant Finance Director, George Garrett, Airport Director, Arnold Becho, Library Director; Gloria Givilancz, Grants Compliance Coordinator, and other staff members and citizens.

I. CALL TO ORDER

- A. Certification of Public Notice.
Mayor Suarez called the meeting to order and certified the public notice of the meeting as properly posted Friday, August 29, 2014.
- B. Invocation.
Pastor Rene Vega from Laborers of Love and Hope delivered the invocation.
- C. Pledge of Allegiance.
Mayor Suarez recited the Pledge of Allegiance and Mayor-Pro Tem Cuellar recited the Texas flag.
- D. Roll Call.
Elizabeth Walker, City Secretary, called the roll, noting perfect attendance.

II. PUBLIC COMMENTS

Michael Fisher objected that his personnel record was released in response to a public information request for it.

III. PUBLIC HEARING

- A. To solicit input regarding the proposed Municipal Budget for the City of Weslaco for the fiscal year beginning October 1, 2014 and ending September 30, 2015.

At 5:41 p.m. Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to open the public hearing. The motion carried unanimously; Mayor Suarez was present and voting.

Mr. Bret Mann presented the proposed Municipal Budget and the changes in the Water, Wastewater, Sanitation, Internal Service, Hotel/Motel, Utility, and General Funds in a PowerPoint presentation. Some changes include a proposed raise in the minimum wage for all regular, full time employees to \$10.10/hour, a 5% salary increase for non-union employees who have not received a raise since October 2013, and new positions within the Police Department, Parks and Recreation Department and the City Secretary's Office. Other points of Mr. Mann's presentation included the proposed property tax rate of \$0.6867/\$100.00 valuation, as well as a reduction of the property tax rate by \$0.01 every other year, a 1% of revenue allocation for the year-end contingency expense, and the fact that 100% of the funding for the Weslaco Museum would now come from the General Fund.

Sarah Williams-Salazar, Executive Director of the Frontera Audubon Society, requested a change in the amount of the Hotel/Motel Fund disbursements.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to close the public hearing item at 5:50 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

IV. CONSENT AGENDA

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

- A. Approval of the Minutes of the following:
- 1) Regular Meeting of August 19, 2014 and
 - 2) Special Meeting of August 26, 2014. (Staffed by City Secretary's Office.) Attachment.
- B. Acceptance of Department of State Health Services EMS County Assistance Award funds from the Lower Rio Grande Valley Regional Advisory Council on Trauma, Service Area V in the amount of \$5,390.00 to purchase a stretcher and authorize a budget amendment as appropriate. (Staffed by Fire Department.) Attachment.

- C. Authorization to utilize Federal Equitable Sharing funds in an amount not to exceed \$5,000.00 for the purchase of advertising from LAMAR Advertising – Digital Board to run for two (2) months, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.

Commissioner Tafolla, seconded Mayor Pro-Tem Cuellar, moved to approve the consent agenda as presented. The motion carried unanimously; Mayor Suarez was present and voting.

V. APPOINTMENTS

- A. Discussion and possible action to approve Resolution 2014-37 and Resolution 2014-38 to remove two (2) members of the Parks & Recreation Advisory Board and fill the unexpired terms of the members. (This item was tabled August 26, 2014; Staffed by Parks & Recreation Department.) Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Pena, moved to remove this item from the table. The motion carried unanimously; Mayor Suarez was present and voting.

The City Manager explained that these appointments are presented for consideration because two current members have missed at least three meetings. Mayor Pro-Tem Cuellar recommended no action be taken, noting these two members are two of the longest serving on this board, who have addressed recent changes in their schedules.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to leave the current board members. The motion carried unanimously; Mayor Suarez was present and voting.

Mayor Pro-Tem Cuellar, seconded by Commissioner Noriega, moved to approve Resolution 2014-37 and Resolution 2014-38 to remove two (2) members of the Parks & Recreation Advisory Board and fill the unexpired terms of the members. Motion failed with all opposed.

VI. OLD BUSINESS

- A. Discussion and consideration to approve Ordinance 2014-10, the “Peddlers and Solicitors Ordinance,” in order to repeal ordinance number 96-14, codified as Part II Chapter 102 of the Weslaco Code of Ordinances, adopting new regulations and providing for severability. First Reading of Ordinance 2014-10. Possible action. (There was no action on this item on August 19, 2014; Staffed by Planning and Code Enforcement Department.) Attachment.

There was no action on this item.

VII. NEW BUSINESS

- A. Discussion and consideration to approve Ordinance 2014-11 approving the City of Weslaco budget appropriation for the fiscal year October 1, 2014 – September 30, 2015. First Reading of Ordinance 2014-11. Roll call vote required. Possible action. (Requested by Finance Department.) Attachment.

The City Manager reference the earlier presentation, characterizing the proposed budget as very responsible; he added that though the budget is based on the tax rate, by state statute the items must appear in this order on the agenda.

Commissioner Rivera, seconded by Mayor Pro-Tem Cuellar, moved to approve the item as presented. By roll call vote, the motion carried unanimously with the Mayor present and voting.

- B. Discussion and consideration to approve Ordinance 2014-12 adopting the City of Weslaco ad valorem property tax rate of \$0.6867/\$100.00 valuation, effectively a 5.13 percent increase in the tax rate, pursuant to §26.05(d) of the Texas Tax Code on all taxable property within the City of Weslaco, Texas for Tax Year 2014, fixing the tax rate for the use and support of the general government and for the interest and sinking fund for the redemption of bonds and other indebtedness of the City of Weslaco, providing for the assessment of annual occupation taxes provided by law, and fixing a lien on all taxable property. First Reading of Ordinance 2014-12. Roll call vote required. Possible action. (Staffed by Finance Department.) Attachment.

The City Manager noted staff's recommendation of the approval of the tax rate of \$0.6867/\$100.00 valuation; this remains the lowest property tax rate throughout the Mid Valley area. Mr. Mann stated that the effective rate would be \$0.6532/\$100.00 valuation; he estimated the loss of revenue of \$139,000.00 per one-cent tax deduction, with a total estimated loss of \$375,000.00 to adopt the effective tax rate. Mayor Pro-Tem Cuellar recommended a workshop for the upcoming week to further discuss the issue.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented. By roll call vote, the motion passed with Mayor Suarez and Commissioners Pena and Noriega opposed (4-3).

- C. Discussion and consideration to approve Ordinance 2014-13 amending §1 of Ordinance 77-16 and §1 of Ordinance 67-10 by providing for a new schedule of rates to be charged for treated water delivered through the system of the Public Utilities Department of the City of Weslaco and providing for a new schedule of rates to be charged for the use of wastewater treatment facility of the City of Weslaco, and ordaining other matters with respect to the subject matter hereof. First Reading of Ordinance 2014-13. Possible action. (Staffed by Public Utilities Department.) Attachment.

Mr. David Salinas presented the ordinance, which proposes lowering the base fee on

water and wastewater for residential customers inside city limits, approximately 7,700 accounts, by \$0.87 each. Commercial accounts, including multi-family, and those residential accounts outside City limits would increase according to the rate study finalized last year. Just as last year, multi-family accounts may request the residential rate; however, it is unlikely since those charges typically remain lower than residential charges.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve the item as presented. The motion carried with Commissioner Noriega opposed; Mayor Suarez was present and voting.

Commissioner Tafolla, seconded by Mayor Pro-Tem Cuellar, moved to take Addendum item I.B. out of sequence for immediate consideration. The motion carried; Mayor Suarez was present and voting.

- B. Discussion and consideration of the Election Code, Charter and Ordinance general election procedural requirements, and qualifications for elective office of Commissioner Candidates for District 3. Possible action. (Staffed by City Secretary's Office.)

The City Manager stated that a challenge had been received by the City as to Commissioner Noriega's credentials and eligibility to participate in this November's election. Ms. Elizabeth Walker, City Secretary, clarified the eligibility requirements, including that the candidate must have lived in the City of Weslaco for at least six months, cannot have any indebtedness to the City, nor hold any other office of emolument. She also explained that the City of Weslaco offers two alternatives to paying the filing fee, which include either providing a petition of fifty signatures from qualified voters or at least 50 hours of service to the City or a non-profit corporation located within in it during the year. In response to Commissioner Rivera, Ms. Walker stated that Commissioner Noriega had requested her service as an elected official be considered as service to the City in lieu of paying the filing fee.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to table this item until the special meeting of September 9, 2014. The motion carried unanimously; Mayor Suarez was present and voting.

- D. Discussion and consideration to approve the Final Preliminary Engineering Report for the South Wastewater Treatment Plant Expansion Project, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment.

Mr. Rolando Briones, representing Briones Engineering, presented the Preliminary Engineering Report as 100% complete, which took into consideration regulatory requirements, including the Arroyo Colorado Watershed Protection Plan, population growth, and maintenance costs, particularly to the aeration basin. He presented four alternatives, sensitive to the consideration that the existing plant sits three feet too low, and recommended alternative four based on maintenance costs.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve the item as presented. The motion carried with Mayor Suarez and Commissioner Noriega opposed (5-2).

- E. Discussion and consideration to approve an agreement with Vaisala Corp. for support and maintenance of the Automated Weather Observation Station for a period of one year with two renewal extensions in a total amount not to exceed \$17,898.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.) Attachment.

The City Manager recommended approval of this item as standard airport equipment, for which the state will reimburse half the cost. He clarified no budget amendment is expected related to this item, since it is included in the proposed budget.

Commissioner Rivera, seconded by Mayor Pro-Tem Cuellar, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present and voting.

- F. Discussion and consideration to approve Change Order #1 with Texas Cordia Construction for the Detention Pond and Reconstruction of Sugarcane Drive in an amount not exceed \$3,800.00 and extend the number of working days by thirty, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.)

Mr. Mardoqueo Hinojosa explained the delay was caused when utilities were not properly identified in the 2008 survey and a Verizon line was in the way of completion. In response to Commissioner Noriega, Interim Police Chief Ramirez reported he assigned three officers with patrol cars to the school intersection for peak drop off and pick up times.

Commissioner Rivera, seconded by Mayor Pro-Tem Cuellar, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present and voting.

- G. Discussion and consideration regarding the Collective Bargaining Labor Agreement between the City of Weslaco and the Weslaco Municipal Police Union (WMPU) regarding the procedure on Internal Investigations and Appointed Positions. (Requested by the Mayor.) Attachment.

Interim Police Chief Ramirez reported that according to Chapter 183 within 180 days of knowledge of any complaint against an officer it must be turned over to internal affairs for investigation. He presently has four internal affairs investigation open.

There was no action on this item.

- H. Discussion and consideration of all invoices submitted to the City of Weslaco from the Law Offices of Guerra and Farah, PLLC, who authorized commencement of specific research, what material was produced to City as a result of research including text messages and/or email correspondence and other issues related incurring the legal fees associated with the invoice(s). (Requested by the Mayor.) Attachment.

The Mayor stated that in the absence of any representative of that law office, he will wait to discuss at a future meeting. There was no action on this item.

- A. Discussion and consideration to award a Firm Fixed Price Agreement for Professional and Consulting Engineering Services to Gonzalez de la Garza & Associates in an amount not to exceed \$700,000.00 for the City of Weslaco Five Year Comprehensive Plan and the Master Drainage Plan, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Commission approved agreement with this firm on August 19, 2014; Staffed by Planning and Code Enforcement Department.)

Mr. Mark Long, representing the firm, proposed a “more blended approach with horizon year 2040,” incorporating the comprehensive, drainage, parks, and downtown revitalization plans. The City Manager recommended approval of this item. The Mayor Pro-Tem noted the City Attorney had approved the contract; the Mayor noted a possible violation of Texas Government Code 2254.003.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried with Mayor Suarez and Commissioners Pena and Noriega opposed (4-3).

- C. Discussion and consideration to approve Ordinance 2014-14 creating a Weslaco Historical Commission, adopting its mission and appointing members. First Reading of Ordinance 2014-14. Possible action. (Requested by Mayor Pro-Tem Cuellar and Commissioner Fox.)

There was no action on this item.

VIII. EXECUTIVE SESSION

At 8:18 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 8:55 p.m., the Mayor announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

IX. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

- A. Pending Litigation – Consultation with Special Counsel regarding a revised settlement agreement in Cause No. C- 929-13-H City of Weslaco, Texas v. City of Mercedes, Texas in the 389th Judicial District Court of Hidalgo County pursuant to

§551.071 of the Texas Government Code.

There was no action on this item.

- B. Contract Negotiations – Discussion with City Manager and City Attorney regarding the Architectural and Construction Oversight Contract between the City of Weslaco and Boultinghouse Simpson Gates Architects for the design and construction oversight of the New Valley Nature Center as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

- A. Executive Session in accordance with §551.071 and/or §552.071 of The Texas Government Code (Consultation with Attorney) to discuss legal options against a political entity regarding city limit and extraterritorial jurisdiction (ETJ) boundary disputes.

There was no action on this item.

- B. Pending Litigation - Consultation with City Attorney regarding in re No. P-35,821 In the Estate of Fernando Saenz, Deceased, in the Probate Court of Hidalgo County, Texas as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

- C. Pending Litigation – Consultation with City Attorney regarding Cause No. C-3865-10-I, City of Weslaco v. Champion Energy Services, LLC as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

- D. Pending Litigation - Consultation with City Attorney regarding Cause No. C-081-13 B, Weslaco Health Facilities Development Corporation v. Knapp Medical Center, et.al. as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

X. ADJOURNMENT

With no other business before the Commission, at 8:55 p.m. Commissioner Pena, seconded by Commissioner Fox, moved to adjourn the September 2, 2014 regular meeting. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

MAYOR, David Suarez

ATTEST:

CITY SECRETARY, Elizabeth M. Walker

MAYOR PRO-TEM, J.F. “Johnny” Cuellar

COMMISSIONER, David R. Fox

COMMISSIONER, Olga M. Noriega

COMMISSIONER, Gerardo “Jerry” Tafolla

COMMISSIONER, Lupe Rivera

COMMISSIONER, Fidel L. Pena, III